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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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06/26/2001

Pingnan Shi

78508 (38-155 US)

2419

27975

7590

12/12/2006

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EXAMINER

SHEPARD, JUSTIN E

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 12/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/891,886	SHI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Justin E. Shepard	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-10 and 12-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/28/06 has been entered.

### ***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Similarly the Affidavit filed on 9/13/06 under 37 CFR 1.131 is considered moot in view of the new grounds of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 2, and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura in view of Liu.

Referring to claim 1, Kitamura discloses a test meter for a digital signal distribution system comprising:

a front end for acquiring a signal carried by the signal distribution system (column 1, lines 37-48; Note: a television is interpreted as being a simple test meter as a user will be able to determine the signal strength by observing the television output);

signal conditioning circuitry having a plurality of signal conditioning circuits (figure 1), each signal conditioning circuit corresponding to one CATV standard in a plurality of CATV standards (column 2, lines 19-21), the signal conditioning circuitry being in communication with said front end so as to receive the acquired signal and operative to output a channel signal by applying the acquired signal to the signal conditioning circuit that corresponds to the CATV standard for the acquired signal (column 2, lines 21-25), wherein the channel signal has a bandwidth set by the corresponding CATV standard (column 1, lines 42-44);

a user interface operative to allow a user to select the CATV standard signal (column 2, lines 19-21).

Kitamura does not disclose a test meter wherein the CATV signals are digital; and with a digital demodulator in communication with said signal conditioning circuitry and operative to select one demodulation scheme from a plurality of digital demodulation decoding schemes to obtain a demodulated signal from the digital channel signal after signal conditioning.

Liu discloses a test meter wherein the CATV signals are digital (column 1, line 67; column 2, lines 1-8); and with a digital demodulator in communication with said

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signal conditioning circuitry and operative to select one demodulation scheme from a plurality of digital demodulation decoding schemes to obtain a demodulated signal from the digital channel signal after signal conditioning (column 5, lines 3-7).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

Referring to claim 2, Kitamura does not disclose a test meter of claim 1, wherein the plurality of digital CATV standards comprise ITU-T J.83 Annex A, Annex B, and Annex C and the plurality of digital demodulation decoding schemes comprise QAM and QAM variants.

Liu discloses a test meter of claim 1, wherein the plurality of digital CATV standards comprise ITU-T J.83 Annex A, Annex B, and Annex C (column 5, lines 9-10) and the plurality of digital demodulation decoding schemes comprise QAM and QAM variants (column 5, lines 3-7).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

Referring to claim 6, Kitamura discloses a test meter of Claim 1, wherein the user interface is operative to allow a user to select one channel signal (column 2, lines 24-25).

Kitamura does not disclose a test meter wherein the CATV signals are digital.

Liu discloses a test meter wherein the CATV signals are digital (column 1, line 67; column 2, lines 1-8).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

2. Claims 3, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura in view of Liu as applied to claim 1 above, and further in view of Stockill.

Referring to claim 3, Kitamura does not disclose a test meter of Claim 1, wherein said plurality of signal conditioning circuits comprises a first filter that filters the acquired digital signal in accordance with a first digital CATV standard and a second filter that filters the acquired digital signal in accordance with a second digital CATV standard.

Liu discloses a test meter wherein the CATV signals are digital (column 1, line 67; column 2, lines 1-8).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).

Kitamura and Liu do not disclose a test meter of Claim 1, wherein said plurality of signal conditioning circuits comprises a first filter that filters the acquired signal in accordance with a first CATV standard and a second filter that filters the acquired signal in accordance with a second CATV standard.

Stockill discloses a test meter of Claim 1, wherein said plurality of signal conditioning circuits comprises a first filter that filters the acquired signal in accordance with a first CATV standard and a second filter that filters the acquired signal in accordance with a second CATV standard (column 4, lines 3-13).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the parallel filtering taught by Stockill to the system disclosed by Kitamura and Liu. The motivation would have been to enable the system to only need one demodulator by utilizing parallel filters.

Referring to claim 4, Kitamura does not disclose a test meter of Claim 3, wherein said first filter comprises a SAW filter operative to filter a first bandwidth according to the first digital CATV standard, and said second filter comprises a SAW filter operative to filter a second bandwidth according to the second digital CATV standard.

Liu discloses a test meter of Claim 3, wherein said first filter comprises a SAW filter operative to filter a first bandwidth according to the first digital CATV standard, and said second filter comprises a SAW filter operative to filter a second bandwidth according to the second digital CATV standard (column 5, lines 39-42).

At the time of the invention it would have been obvious for one of ordinary skill in the art to use the SAW filter taught by Liu in the system disclosed above. The motivation would have been to limit out-of band signal energy (Liu: column 5, lines 41-42).

Referring to claim 5, Kitamura does not disclose a test meter of Claim 4, wherein said first digital CATV standard comprises ITU-T J.83 Annex A and said second digital CATV standard comprises ITU-T J.83 Annex B.

Liu discloses a test meter of Claim 4, wherein said first digital CATV standard comprises ITU-T J.83 Annex A and said second digital CATV standard comprises ITU-T J.83 Annex B (column 1, lines 51-64).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the digital receiving means taught by Liu to the television receiver disclosed by Kitamura. The motivation would have been to create a television capable of being sold in the both the United States and Europe that could receive digital television signals (Liu: column 1, lines 65-67; column 2, lines 1-3).



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3. Claims 8, 9, 10, and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kitamura in view of Liu as applied to claim 1 above, and further in view of Hessel.

Referring to claim 8, Kitamura and Liu do not disclose a test meter of Claim 1, wherein said user interface is operative to allow a user to select one digital modulation decoding scheme from the plurality of digital demodulation decoding schemes.

Hessel discloses a test meter of Claim 1, wherein said user interface is operative to allow a user to select one digital modulation decoding scheme from the plurality of digital demodulation decoding schemes (column 4, lines 38-46).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the user selectable demodulation schemes taught by Hessel to the system disclosed by Emsley and Schmidt. The motivation would have been to enable a user to decode a plurality of different digital standards using a single device.

Claims 10 and 16 are rejected on the same grounds as claims 1 and 8.

Claim 12 is rejected on the same grounds as claim 1.

Claim 13 is rejected on the same grounds as claim 3.

Claims 14 and 17 are rejected on the same grounds as claim 5.

Referring to claim 9, Kitamura does not disclose a test meter of Claim 8, wherein the plurality of digital demodulation decoding schemes includes QAM and QAM variants.

Liu discloses a test meter of Claim 8, wherein the plurality of digital demodulation decoding schemes includes QAM and QAM variants (column 5, lines 3-7).

At the time of the invention it would have been obvious for one of ordinary skill in the art to add the QAM variant decoding taught by Liu to the system disclosed by Kitamura. The motivation would have been to enable the system to be able to work with the most possible systems without addition modifications.

Claims 15 and 18 are rejected on the same grounds as claim 9.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Justin E. Shepard whose telephone number is (571) 272-5967. The examiner can normally be reached on 7:30-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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